

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JEFFREY D. JONES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-05-0383-HE
	)	
JO ANNE B. BARNHART,	)	
Commissioner, Social Security	)	
Administration,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff Jeffrey D. Jones brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the defendant Commissioner's final decision denying his application for disability insurance benefits under the Social Security Act. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Shon T. Erwin, who issued his Report and Recommendation recommending that the Commissioner's decision be affirmed.


Plaintiff filed his claim for benefits on June 29, 2001. When it was denied initially and on reconsideration, he requested a hearing before an Administrative Law Judge ("ALJ"). After a hearing at which the plaintiff, a medical expert and a vocational expert testified, the ALJ concluded plaintiff was not disabled within the meaning of the Social Security Act. The Appeals Council denied plaintiff's request for review, making the ALJ's decision the final decision of the Commissioner.

Plaintiff has filed an objection to the Report and Recommendation, raising the same arguments he raised before the magistrate judge. He contends the ALJ improperly analyzed

his subjective complaints of pain, failed to properly consider the fact that a physician had him “off work” during the time he received worker’s compensation benefits and did not give “extra” weight to the opinions of his treating physicians. Having considered the plaintiff’s objections and conducted a de novo review, the court agrees, for essentially the same reasons set forth by the magistrate judge in the Report and Recommendation, that the ALJ properly evaluated both the plaintiff’s subjective complaints of pain and the evidence and opinions offered by plaintiff’s physicians. Accordingly, the Report and Recommendation is **ADOPTED** and the Commissioner’s decision denying plaintiff’s application for disability benefits is **AFFIRMED**.

**IT IS SO ORDERED.**

Dated this 26<sup>th</sup> day of May, 2006.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE